

Non-Fee Amendment

Applicant Docket No. 19011.1140

REMARKS

This paper is responsive to the Office Action mailed June 6, 2003.

At the mailing of the Official Communication, claims 1-12 were pending and the Patent Office has set forth grounds for rejecting each of these claims. Claim 1 has been amended only to provide more specificity in the language of the claim. The applicant submits that the claims are allowable in view of the art cited by the Patent Office and respectfully request the Patent Office to remove the present rejection from these claims. The applicant's traversals of the Patent Office's rejections are provided below.

Paragraph 1 of the Official Action indicates that the application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract is being provided on a separate sheet as required.

Paragraph 2 sets forth the basis for a rejection under 35 USC §103 and does not require a response.

Paragraph 3 sets forth rejections for claims 1-12 under 35 USC §103(a) alleging that the claims are unpatentable over U.S. Patent No. 6,104,722 to *Stewart* in view of U.S. Patent No. 5,508,731 to *Kohorn*. The applicant respectfully traverses these rejections.

The Official Action alleges that column 8, lines 55-60 of *Stewart* discloses the element of electronically communication the commercial to the prospect and the prospect making a response to the commercial. The applicant respectfully disagrees with this allegation.

The invention as recited in claim 1 includes an advertiser selecting a prospect and a commercial and identifying that selection to a third party. The third party then electronically communicates the selected commercial to the selected prospect. The selected prospect can then make a response to the selected commercial and that response is tracked by the third party. Finally, the third party provides information relating to the selected prospects response regarding the selected commercial to the advertiser.

Stewart describes an information communication system that includes a plurality of nodes that are connected through a communication means. *Stewart* focuses on setting up appropriate

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communication protocols and resource allocations to efficient transfer information between nodes. Thus, the invention described in *Stewart* allows a device acting as a message source to communicate with another device at a first node using a first protocol and to communicate with a different device at a second node using a second protocol.

Stewart simply describes a communication infrastructure and does not describe, suggest or teach, nor would it be obvious from reading the *Stewart* reference, an advertiser selecting a prospect and a commercial, communicating that selection to a third party, delivery of the commercial to the selected prospect, tracking response information and reporting the response information to the advertiser.

The Patent Office admits that *Stewart* does not teach an advertiser manually selecting an individual prospect and an individual commercial and identifying that selection to a third party. The applicant respectfully submits that lacks much more than this. *Stewart* simply talks about information being delivered to multiple nodes using different protocols. The Patent Office alleges that the "second node" in *Stewart* is equivalent to the prospect. However, the prospect recited in claim 1 is an entity that can view a commercial and respond to the commercial. The "second node" in *Stewart* is a piece of hardware that receives a communication. There is no similarity.

The Patent Office further alleges that it would have been obvious to modify the teachings of *Stewart* to include *Kohorn* in order to perform the steps of an advertiser manually selecting an individual prospect and an individual commercial, and identifying the selection to a third party. The applicant respectfully disagrees.

Kohorn describes broadcasting an instructional signal that is modulated onto a television program signal. So firstly, *Kohorn* and *Stewart* in no way describe selecting a commercial and selecting a prospect. Thus, combining the two references in the most liberal fashion would only result in broadcasting an instructional signal embedded in a television programming signal. There is no implication whatsoever that the broadcast is limited to particular prospects or a single prospect, it is a broadcast signal. Thus, there are not prospects to select from and it would not

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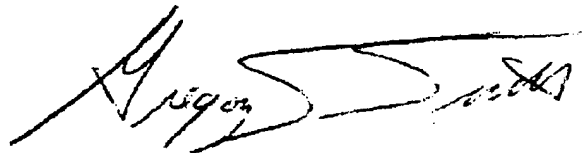
have been obvious to add this element to the combination of *Kohorn* and *Stewart* because there would be no reason to identify prospects for a broadcast signal since all capable receivers can receive the signal.

Therefore, the applicant respectfully submits that claim 1 is allowable over the cited art. Furthermore, claims 2-12 depend either directly or indirectly from claim 1 and thus are also in condition for allowance.

CONCLUSION

Applicant respectfully submits the claims are allowable over *Stewart* and *Kohorn* and respectfully request the Patent Office to move this case towards allowance. The applicant invites the Patent Office to contact the undersigned at its convenience should the Patent Office believe it would facilitate prosecution of this application. Applicant thanks the Examiner for consideration of this application.

Respectfully submitted,



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December 8, 2003